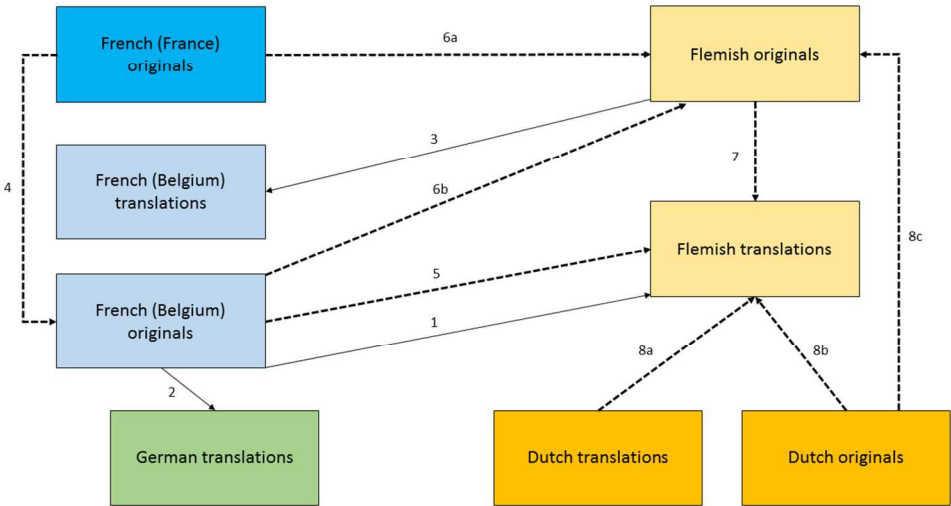




## Translation space in 19th-century Belgium: Rethinking translation and transfer directions

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### Rethinking translation and transfer directions

‘Landscape’, ‘space’ and ‘directionality’ are metaphors that have become widely accepted in the humanities, including translation studies. This contribution focusses on translation and transfer directionality, a metaphor that covers a broad and complex range of techniques, actions, places and policies, beyond the supposed one-way process of bridging languages. It provides building blocks for a comprehensive study of translation and transfer directions and presents the results of a pilot study devoted to 19<sup>th</sup>-century Belgium, a young, multilingual entity that has elaborated a sophisticated and influential network of translation and transfer directions in the legal and administrative domains. The detailed account of these directions reveals that translation issues have penetrated to the core of social, political and cultural life, addressing questions of representative democracy, language standardization, language equality, cultural identity and citizenship.

Keywords: legal translation; transfer; directionality; space; Belgium; 19<sup>th</sup> century

#### 1. Introduction

Recent translation research has cogently embraced the so-called “spatial turn” of the humanities at the end of the 1980s (a.o. Döring & Thielmann 2008), when cultural geography became a new paradigm within disciplines such as history, religious studies, psychology or literary studies (see a.o. Jackson 1989). Spaces and places produce meaning for humans and are in turn used by the latter at local, regional or global scales, with the aim of binding humans and strengthening their cultural identities. Yet, the overall success of the space paradigm has its price. Looking back on the short history of cultural geography, Crang and Thrift conclude that the term space has been used ‘with such abandon that its meanings run into each other before they have been properly interrogated’ (2010<sup>2</sup>, p. 1). This state of affairs makes them plead for ‘a field in which space can be indexed within constraints sufficient to say something meaningful’ (2010<sup>2</sup>,

p. 2).

Is translation research capable of offering such constraints, i.e. can it design a viewpoint enabling a selection of spatial features that become meaningful for the understanding of translation as a cultural practice that binds humans and confers identity? The least one can say is that there have been numerous attempts, especially in the last decade, to connect translation and space. These attempts have materialized in a series of nowadays widespread labels such as ‘globalization’ (Cronin 2003), ‘translation zone’ (Apter 2006), ‘translation spaces’ (Simon 2018) or ‘translation geography’ (Italiano 2016). Expectedly, diversity of disciplinary scope and method also yielded some scepticism about the overall applicability or centrality of spatial categories, or about the dominance of mental and symbolic spaces over concrete places (cf. Massey 2005). Be that as it may, the underlying assumption of connecting translation and space was that both required some semantic share or overlap.

Cognitive metaphors produced such interdisciplinary mapping. For instance, the metaphor of ‘landscape of translation’ has been used recently to refer to the ‘environments in which translations are produced and received’, challenging ‘images of such environments as stable substances within fixed boundaries’ (Kershaw & Saldanha 2013, p. 135). More specifically, it is considered ‘suitable for developing new ways of theorizing the contexts in which translation takes place’ (2013, p. 136). The metaphor of landscape has even been applied to the discipline of translation studies, in which bibliographical tools stand for ‘entry points into and paths across such landscapes, thus affecting the way in which the landscape is viewed and explored’ (Zanettin et al. 2015, p. 165). The future will tell whether the landscape metaphor has the potential to develop into new views on environments or contexts of translation, the latter concepts being by themselves open to many interpretations. Indeed, translation is but one of the many

realities enmeshed in social, political, and cultural relations, and so its study logically extends far beyond the limits of linguistic or textual analysis, covering hence human networks, editorial strategies, legal institutions and so on (see a.o. Warf & Arias 2008).

It is also important to recall that metaphorical mapping has not only been steering past efforts toward the design of concepts and even the elaboration of theories, but that it has been equally instrumental in historical translation research as a heuristic tool to uncover and describe articulations between space and translation as they occur in specific historical settings. The evolution of the metaphor of directionality is a case in point. As we know it originally fed the representation of translation processes (source-target, native-second, etc.), e.g.: ‘When we talk about directionality in translating and interpreting we are focussing on the direction of transfer, i.e. whether translators or interpreters are working away from or into their first, native or dominant language’ (Pokorn 2011, p. 37). Later on, sociology and book studies have put forward additional properties of directionality, as exemplified by the concepts of ‘extranlation’ and ‘intranlation’ (Ganne & Minon 1992), two derivative definitions of directionality that challenge the sustained idea of a single horizontal line going from language A to language B. In addition, translation directions have become quantifiable, giving way to another metaphor derived from the domain of economy, i.e. ‘translation flow’ or the total number of book translations from one language into one or more languages (cf. Heilbron 2000), soliciting more explanatory hypotheses. For instance, in her comparative enquiry on the place occupied by literary translations on the French and American book market of the recent decades, Sapiro has formulated a set of hypotheses to explain the variation rates between extranlation and intranlation:

To understand these variations, one has to analyse the structure of the book market, which results from the articulation of economic, political and cultural factors. These

different logics are incarnated by various categories of agents (e.g. authors, translators, shareholders, marketing managers, sales representatives, state representatives), some being ‘double agents’ (e.g. publishers and literary agents) conveying both commercial and cultural logics. (2010, p. 425)

This way, the directionality metaphor gets embedded in an interdisciplinary framework that is further backed by a replicable methodology.

Quite naturally, directionality issues are not confined to literary translation nor to interest domains such as literary translation sociology or World Literature studies (as in Sapiro 2016). In principle, they may apply to all sorts of translation proper (intralingual, interlingual and intersemiotic, cf. Jakobson 1959: 233), as well as to other intralingual, interlingual and intersemiotic transfer techniques. The latter are not regarded as translations proper, because they have other than one-to-one relations with a given source (as with rewritings, abstracts, adaptations, commentaries, etc.). Translation and transfer directions may operate within or across national constructs, from language A to language B or vice versa, or involve more languages.<sup>1</sup> So far, it seems, historical research has neglected translation and transfer directions. In fact, it has also left aside most of non-literary translations. Admittedly, part of the latter group simply cannot be grasped by the categories distinguished by translation sociology: e.g. administrative translation rarely enters the book market since it is most commonly produced and distributed through different means (manuscript notes, printed leaflets, in-service brochures, etc.) and by different agents (mayors, secretaries, directors, police commissioners, etc.). Also, functions attached to non-literary translations and transfer directions may differ considerably from the ones that apply to literary translations,

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<sup>1</sup> For a more detailed account of the concept of “transfer”, see D’hulst 2012.

without being less enlightening as to the network of social, political or cultural relations in which these translations partake. After all, to question e.g. whether legal translations sustained or corrected language inequality within a multilingual society or whether they carried at the same time pragmatic, social and symbolic functions during major cultural changes is perhaps not less relevant than to consider whether translations affected changes in form or status of a target literature.

From a historical viewpoint, sufficiently encompassing case studies are needed to substantiate such hypotheses, of which an example is given in this contribution: one that deals with a multilingual entity, offering a large array of directions between several languages, during a period of intense debate with regard to the functions of language and translation. The corpus is ample and at least partially quantifiable. This case is 19th-century Belgium from its inception phase in 1830 till the First World War. It will first give an overview of Belgian translations, further provide building blocks for the study of translation and transfer directions, and finally present the results of a pilot study.

## **2. Translations in Belgium: a complex universe**

Belgian history is interspersed with events and laws that have transformed the relationships between the language communities. Firstly, the foundation of the nation-state in 1830 and the gradual establishment of a language legislation until the end of the century as well as of the institutions that had to implement it, probably offer the best reference points for the setting up of a network of translation directions. The nation's foundation highlighted the historical (and theoretical) awareness of the need to manage language diversity within the language communities. It most notably concerned the redistribution of power relationships between the two major national languages. Dutch had been the dominant language during the so-called Dutch period (1815-1830),

corresponding to the United Kingdom of the Netherlands. It was replaced by French, which became the only official language following the Belgian Revolution of 1830. The linguistic shift also involved measures that aimed to alleviate the effects of official monolingualism, as article 23 of the Constitution stipulated: ‘The use of languages spoken in Belgium is optional: it can only be regulated by law, and only for acts of the public authorities and for judicial affairs’.<sup>2</sup> From this ensued the principal official measure, i.e. the translation of legislation into the two non-official languages, i.e. southern Dutch or Flemish, the language of the Flemish majority, and German. This redistribution was then echoed in virtually every institutional domain, from education to the army, from justice to chancelleries. At the level of practices, translation (and other transfer techniques) gained critical, and likely also theoretical, attention, including among the legislators themselves: from being an object much meditated and debated, translation equally became a tool in the reflection on legal language and legal texts. This evolution stemmed from the negotiation between the two main national languages, the mediating practices and the pragmatic and symbolic functions attached to all.<sup>3</sup> This way, negotiation also contributed to the emergence of a model of plural and mediating citizenship in Belgium.

Secondly, the study of the role of translation in the evolution of a diglossic, in fact triglossic (Flemish, French and German), society such as Belgium has to surpass perspectives that consider languages as either autonomous or interrelated entities and privilege original productions in French and Flemish, thus leaving aside the outcome of

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<sup>2</sup> ‘L’emploi des langues usitées en Belgique est facultatif: il ne peut être réglé que par la loi, et seulement pour les actes de l’autorité publique et pour les affaires judiciaires’.

<sup>3</sup> For similar examples, see a.o. Böhm 2010 and Paye 2013.



translation or transfer techniques between them. Exchange modalities between the two languages constitute a separate way to reconstruct the historical situation of language practices in Belgium.

Thirdly, such an endeavor requires the compilation of relevant corpora. Yet, this raises tricky questions, the first being related to the inclusion (or exclusion) of certain texts. As Laviosa's corpus typology (2002) demonstrates, various factors come into play here, such as corpus language; text length (full text, sample, mixed, monitor); timeframe (synchronic, diachronic); expert level (general, terminological); number of languages (monolingual, bilingual, multilingual corpora); inclusion of parallel and/or comparable corpora; and medium (oral, written, mixed). A second question is related to exhaustiveness. In the case of 19th-century Belgium, reliable bibliographies that cover the entire period are non-existent. The only retrospective Belgian bibliography of importance related to the nineteenth century solely lists literary works (*Bibliographie nationale* 1897). How to proceed for the so-called 'grey' literature? How to make an inventory of the bulk of translations composed in the various administrative and legal genres? To start, only part of the translations were printed. Moreover, even when they were printed, these translations did not carry the signature of their authors or translators and they escaped from editorial procedures (they were not commercial objects, they did not address a specific readership, etc.). Finally, they often did not present themselves as such, i.e. as translations, which naturally hinders their recognition and bibliographical description. As a result, it is crucial to conduct heuristic work in public archives and State libraries or the various administrations that rely on them. This stock-taking is inevitably partial for documents that have remained manuscripts, since the latter have but rarely been the object of inventories and systematic descriptions. Hereafter, we will limit ourselves to printed and published translations.

### 3. Modelling Belgian translation and transfer directions

Translation and transfer cover a wide range of actions: they link languages, genres and texts. In addition, they are based on more or less official or elaborate regulations and may carry an official or non-official status. Further, they are processed by agents (clients, translators, editors, distributors, critics and readers, etc.) and use oral (sight translation, interpretation, paraphrase, summary, etc.) and written (taking on various material forms: books, periodical papers, leaflets, manuscript notes, etc.) vectors. Finally, they also have a spatial dimension, i.e. within or outside of geopolitical borders (most frequently national for the nineteenth century); within configurations of medium size such as regions or provinces, and the level of cities and municipalities; following institutions to which they apply, national such as the ministries, provincial such as the provincial councils, local such as the notaries.

Understandably, these actions, policies, agents, vectors and spatial features are dialectically related (as are all categories of translational communication or any discursive practice, cf. Fairclough 2001). For the present purpose, however, which proposes an exploration of directions in the legal and administrative domains, we will select and combine the actions of linking source and target languages, genres and their institutional status, and we will look at their spatial distribution. Whenever applicable, these data will be allotted a quantitative dimension, the latter being based on the number of words, rather than on the usual calculation of titles, translators, editors, etc.<sup>4</sup> We will also provide an analysis of the historical evolution shaped by the interplay between

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<sup>4</sup> Such a procedure, steered by the specific characteristics of grey literature, may recall a well-known method, i.e. the combinatory model of ‘comparable corpora’ and ‘translation corpora’ as proposed by e.g. Johansson (2007, p. 10 sv.).

these categories, taking into account information coming from Belgian legal, political and cultural history.

We understand the field of 19<sup>th</sup>-century Belgian legal and administrative translations as a non-hierarchical, multiple entity, subject to various kinds of translation and transfer, rather than to a straightforward, one-way directionality. Not only can directions be reversed, but translations can draw on multiple sources other than the original source text, which often remain implicit (parallel texts in the target language, other translations, dictionaries, glossaries and other tools within reach of the translator). In addition, when we consider the translation and transfer directions within their proper dynamic, we notice that it is possible to distinguish various underlying relations, interactions, divergences in status and prestige, between the original and translated texts.

A visual scheme that represents the various directions and mutual relationships between languages and texts is presented in Figure 1. In the following paragraphs the various translation and transfer directions that were present in the 19<sup>th</sup>-century Belgian context will be described and analysed with reference to this visual scheme. In our analysis, we distinguish between translation and transfer. *Translation* directions (indicated by full arrows) concern those relationships in which a (more or less) full equivalent of the source text is provided in the target language; most frequently, these target texts are labelled ‘translation’. While the most obvious translation direction is that from French into Flemish, from the nation’s official into non-official language, not all translated texts carry the same weight, have the same legal status or can rely on the approval of the authorities, Flemish jurists and citizens alike. *Transfer* directions (indicated by interrupted arrows) are not labelled as such, and are to be identified on the basis of their mediating functions: journalists producing a paraphrase of a source text,

translators adding a glossary, publishers collecting legal texts, professors making overviews, official instances providing summaries, etc. However, it should be noted that this distinction is made to facilitate and structure our understanding of this complex landscape: in reality, translation and transfer techniques often overlap, in the sense that transferred texts may contain translated passages while so-called translations may equally contain transferred passages.

Figure 1. Translation and transfer directions in 19<sup>th</sup>-century Belgium

The full arrows represent a translation relationship;  
the interrupted arrows represent a transfer relationship.

### 3.1 Translation directions

As mentioned, the principal translation direction concerned **the Flemish translations of French (Belgian) originals (direction 1)**. This direction, the most important in terms of quantity and variety in genre, involves fluctuating parameters such as legal status (official and non-official) and attributed quality. The high number of translated words (cf. *infra*) in this translation flow is quite significant, as it shows how the Belgian authorities and Flemish jurists alike acknowledged the importance of legal and administrative translations in this unequal multilingual context, mainly in view of the idea of democratic participation, i.e. the right of access to legislation and administrative decisions for all citizens. Translations in this direction cover a wide range of genres: laws, royal decrees, communications of provincial and local administrators, general announcements to the public, reports of Parliamentary and council sessions, etc. Yet, not all enjoyed the same status, and thus more categories need to be identified: in addition to *official* translations, i.e. those texts made on the initiative of the francophone

authorities, *semi-official* and *private* translations were created by individual actors independently from any kind of official institution and could not be used in official settings. These categories entail their proper characteristics and modalities, as we will discuss in the following paragraphs.

Official translations were distributed at three levels. At the national level, they were included in official government journals and publications. Flemish versions of laws and royal decrees were published in the bilingual *Bulletin officiel des lois et arrêtés royaux de la Belgique/Staatsblad* (1831-1845), the *Recueil des lois et arrêtés royaux de la Belgique/Verzameling der wetten en koninklijke besluiten* (1845-1972) and the *Moniteur belge /Staatsblad* (1845-, but officially bilingual from 1895 onwards). A Flemish summarized version of the Parliamentary proceedings was published in the *Beknopt verslag van de Handelingen van de Wetgevende Kamers en Senaat* (separate Flemish edition from 1878 onwards). At the provincial level, translations of the reports of the sessions of the Flemish provincial councils and decisions and communications by the provincial governors were published in the *Bulletin* or *Mémorial administratif/Bestuurlijk* or *Administratief Memoriaal*<sup>5</sup> and in the *Procès-verbaux des séances du Conseil de la province/Verslagen van de vergaderingen van de provincieraad*.<sup>6</sup> As the provinces and municipalities enjoyed relative autonomy, the

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<sup>5</sup> These publications included administrative acts related to the provinces of West Flanders, East Flanders, Antwerp and Limburg.

<sup>6</sup> These publications included proceedings of the provincial councils of Antwerp, Brabant, West Flanders, East Flanders and Limburg. – One should note that the publication dates of the provincial and local government publications have not been included: as the latter either had a bilingual title, yet did not include translations, or a monolingual French title, but did include

respective provincial and local administrators could decide on whether and which kinds of documents to translate. It should be noted that these translations were published in the Flemish provinces only, even though there was a large presence of Flemish-speaking citizens in the francophone provinces. At the local level, translations of the reports of the sessions of the communal council, decisions and communications by the local authorities of metropolises like Bruges, Ghent and Antwerp were published in their respective *Bulletin communal/Gemeentebblad*. Other Flemish local administrations either did not provide a local bulletin or no Flemish translations. Current calculations indicate that at least 93 million words were translated and published in these official publications in the period 1830-1914, of which 65 million words at the national level, 20 million words at the provincial level and 8 million words at the local level.

In general, official translations were published in bilingual editions, which included the original French text on the left page or column, with the Flemish translation on the right page or column. The locally-made translations formed an exception, since Flemish translations of the local bulletins were often published as a separate edition. It should be pointed out that even though official translations of laws and royal decrees were regulated by law and executed by the central administration, these translations were not legally binding. It was only in 1898, when the Equality Law was passed, that official documents created, translated and published in Flemish obtained legal status.<sup>7</sup>

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translations, it is difficult to verify when government publications at the provincial and local levels were bilingual, without checking all volumes individually.

<sup>7</sup> The Equality Law of 1898 stipulated that laws were to be voted, sanctioned, promulgated and published in both French and Flemish, thus installing Flemish as the second official language

The issue of translation was largely commented upon and even heavily criticised by Flemish jurists and citizens alike.<sup>8</sup> On the one hand, not all legal sources, such as codes, were translated, and on the other, the translations included in the official government publications were generally of very poor quality, which made these incomprehensible to the Flemish public. Next to this pragmatic issue, the quality and lack of official translation had symbolic implications as well. Frustrated by the apparent denial of a proper Flemish (legal) language and identity, Flemish jurists, officials and journalists decided from the 1840s onwards to create and publish translations on their own initiative. These semi-official and private translations covered a wide variety of legal and administrative texts and genres and were published in respectively commercial editions<sup>9</sup> and legal journals,<sup>10</sup> and in newspapers.<sup>11</sup> Text types included translations of codes, individual laws and decrees, case law and parliamentary proceedings, bilingual legal dictionaries and glossaries and legal and administrative manuals. It is difficult to estimate the proportion of semi-official and private translations published in bilingual editions or in other formats: our current overview of translations is largely based on the bibliographies of De Potter (1893; 1897) and Eggen (1909), which do not consistently

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of Belgium ('De wetten worden gestemd, bekrachtigd, afgekondigd en bekend gemaakt in de Fransche en in de Vlaamsche taal.' *Moniteur belge*, 15 May 1898, p. 1997).

<sup>8</sup> Cf. van Gerwen, Bourguignon and Nouws 2017.

<sup>9</sup> Some examples: De Vigne 1871, Ledeganck 1841.

<sup>10</sup> *Het Vlaamsch Bestuur* (1889-1909), *Bestuurlijk Tijdschrift voor Vlaamsch-België* (1889-1899), *Rechtskundig Tijdschrift voor Vlaamsch-België* (1897-1963). See van Gerwen 2017 for the role of translation practices in Flemish legal journals.

<sup>11</sup> A few examples of Flemish newspapers that translated and discussed Parliamentary sessions: *Het Handelsblad*, *Het Volksbelang*, *De Vaderlander* and *Vlaamsch België*.

indicate whether the original French text was included in the edition or if the translation was a full equivalent of the source text. In addition, the publication title is not always a reliable indicator of the bilingual nature of the publication, as many translations had either a bilingual or monolingual Flemish title.<sup>12</sup> Moreover, many private translations were published under the form of commentary, summary etc. (cf. *infra*), and consequently cannot be exactly calculated. However, we (tentatively) estimate that 20 per cent of the private versions were published in bilingual editions, 40 per cent in monolingual Flemish editions and 40 per cent in other formats (such as commentary etc.).

It should also be noted that private translations raised additional issues. As an object of discussion among jurists and government officials, they were frequently embedded in surrounding texts, in which legal as well as linguistic problems were discussed, e.g. legal certainty, language standardization, etc. Even though these private translations did not receive government approval or encouragement, they were highly appreciated among legal practitioners and the general public. Some of these private translations, such as the Flemish translation of the French Civil Code by Karel Ledeganck in 1841, became highly influential and were widely used and consulted. Following this success, the central administration commissioned translations of codes, which gained a more or less official status. Notable examples were the translations of the criminal code (1867) and the code of criminal procedure (1874) by lawyer and judge Louis De Hondt.

**German translations of French (Belgian) originals (direction 2)** concerned a much less important translation direction in terms of quantity. Until the Treaty of

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<sup>12</sup> In some isolated cases, the translation only has a French title.



London of 1839, which separated the germanophone territories from the now officially declared independent Belgium, German translations of laws and royal decrees were published in the bilingual (French-German) *Bulletin officiel-Amtsblatt*. After the geopolitical reorganization in 1839, German translations of Belgian laws were deemed unnecessary. According to our estimations, some 2 million words must have been translated from French into German from 1830 to 1839.

Another important translation direction was the **French Belgian translations of Flemish originals (direction 3)**. While the quantity of translations was considerably inferior than that of the inverse direction, translation activity was still important. The majority of translations included the French Belgian translations of Flemish legislation before Belgian independence. A royal commission for the publication of ancient laws and ordonnances of Belgium (*Commission royale pour la publication des anciennes lois et ordonnances de la Belgique*) was especially appointed to supervise these translations. In the same vein, Flemish customary legislation of several Flemish territories and counties (*Coutumes des pays et comté de Flandre*) was translated and issued in bilingual editions by various publishers.<sup>13</sup> Based on the overview of translations of Flemish customary law given by De Potter in his 1893 bibliography of works published in Flemish, at least 2,1 million words were translated into French in the period 1860-1890. French translations of Flemish texts were not limited to ancient legislation, however. In 19<sup>th</sup>-century Belgium, examples of manuscript and/or non-published translation from

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<sup>13</sup> A full overview of the 25 titles can be found in De Potter 1893.

Flemish into French were plentiful, as the archives of local administrations, justices of the peace and notaries show.<sup>14</sup>

### 3.2 Transfer directions

The following directions display somewhat more complex dynamics. Instead of one-to-one correspondences with originals in another language, transfer covers less conspicuous relations (commentary, paraphrase, summary, calques etc.), both with sources in other languages as within the same language or between two language variants.

Continuing the practices of the French (1795-1814) and Dutch (1815-1830) period, French doctrinal works were massively imported after Belgian independence in 1830 (Martyn 2011), either directly or republished in the form of French Belgian legal manuals.<sup>15</sup> In addition, French Belgian legal works were created, which were largely based on French legal sources. In other words, we can speak of the transfer of **French originals to French Belgian originals (direction 4)**. Examples include the various Napoleonic Codes and French legal journals. At this point, it is impossible to assess the

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<sup>14</sup> This type of non-printed and non-published translation falls outside the scope of this article, with the exception of Parliamentary addresses held in Flemish into French, then back-translated into Flemish before these addresses were published in the *Beknopt Verslag*.

<sup>15</sup> Cf. Larcier and Picard 1882-1890, Van Arenbergh 1890-1913 and Velle 1994. These legal bibliographies do not always distinguish between French and Belgian or original and translated manuals and doctrinal works.

exact proportion of the import and influence of French publications on Belgian legal works.<sup>16</sup>

It is useful to recall here that Flemish legal texts had no legal status until 1898. This was partly based on the assumption that Flemish was not suitable as a legal and administrative language. Flemish jurists and officials in response endeavoured to create and develop a proper Flemish legal language throughout the nineteenth century. Their source material was trifold, as they drew on French, Dutch and ancient Flemish legal texts. Text types included in this type of transfer are legal treatises, dictionaries, glossaries and manuals. Apart from offering a practical tool for lawyers, judges and notaries, the primary function of the creation and distribution of these works was to achieve language standardization and, by extension, an equivalent Flemish legal culture.

In this context, the transfer of **French Belgian originals to Flemish translations (direction 5)** played a significant role. While the Flemish private translations mentioned in direction 1 were generally published in bilingual editions, this direction involves transfer techniques such as commentary, summary, paraphrase, partial translation, calques and borrowings of lexemes and macrostructural devices. When there was no proper Flemish legal term or construction available, legal practitioners often resorted to literal translations and the so-called *bastaardwoorden*, i.e. Gallicisms. These calques and borrowings from French were an important and consistent object of discussion among Flemish legal translators and jurists in the development of a Flemish legal language throughout the century: especially in Flemish legal journals (for instance the *Rechtskundig Tijdschrift voor Vlaamsch-België*) and in

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<sup>16</sup> Van Dievoet lists a number of Belgian pirate editions of French originals and French translations of German doctrinal works until the middle of the century (1943, p. 88-92).

Flemish legal dictionaries and manuals (Bellefroid 1897), we can see multiple examples of this kind of transfer and discussions on the use of Gallicisms.

The transfer of **French originals (both from France, direction 6a, and French Belgium, direction 6b) to Flemish originals** also influenced this process. As Flemish jurists were trained in French, they consulted the original French (Belgian) doctrines and codes. These were used as sources of reference when creating Flemish legal works, often in an eclectic, selective way. While these Flemish works were strictly speaking originals, since they did not claim to be translations of specific texts or because they presented themselves as originals, they were still greatly indebted to the French source texts. Examples include Flemish legal manuals directed at the larger public (e.g. Derestia 1866) and works on specific legislation (e.g. Prayon-Van Zuylen's 1892 work on the linguistic laws). Moreover, even though the Flemish version of laws and decrees received official status in 1898, these Flemish texts *de facto* remained translations: the majority of bills were still introduced in Parliament in French, which had to be translated into Flemish before they could enter into discussion. Consequently, French originals still influenced the creation of Flemish legal texts, even when these were also presumed to be originals.

The transfer of **Flemish originals to Flemish translations (direction 7)** also played a role in the development of a Flemish legal language that was no longer entirely dependent on French legal sources and language. Through partial translations, calques and lexical borrowings of ancient Flemish customary legal texts, jurists endeavoured to enrich Flemish legal vocabulary. For instance, in his search for Flemish legal terms for his translation of the Civil Code, Karel Ledeganck consulted the *Costumen der stede ende casselrye van Audenaerde*.

In the effort to move away from French source texts and the French legal language, transfer of **Dutch originals and translations to Flemish translations and originals (directions 8a, 8b and 8c)** occurred as well, although during a shorter period, and without leaving visible traces in the Flemish legal language at this point. One may assume that by consulting earlier Dutch translations of the Civil Code (most notably Johannes van der Linden and E.C. d'Engelbronner's translation of 1811) and original Dutch legal works, Flemish jurists endeavoured to raise the status of Flemish and contribute to its standardization. As we know, from the end of the century onwards, their goal was to create a unified Dutch legal language, which could be used in both Dutch and Flemish legal settings. At the time, this unification became a central issue in Flemish legal journals, which regularly reviewed Dutch legal works and discussed Dutch case law.

#### 4. Conclusion

This description of the various translation and transfer directions in the legal and administrative domains in 19th-century Belgium shows us that interactions between languages and texts, be they originals or translations, the relative proportions and forms of translation and transfer techniques and the functions of translation and transfer have fluctuated over the course of the century in the following respects.

A first evolution resides in the Belgian legal culture's positioning and orientation towards foreign legal languages and cultures and, correlatively, in the direction of the import and transfer of foreign legal works. The first decades of Belgian independence saw a clear Frenchification of Belgium, its legal language and culture, and a distinct move away from the Netherlands, the former rulers. Towards the end of the nineteenth century, however, Flemish jurists would increasingly seek to align the

Flemish legal language and culture with the Dutch model and progressively resisted the dominant French influence. It is doubtful, however, whether increased efforts to strengthen the national level, i.e. to construct a proper and syncretic Belgian legal culture, were successful, i.e. fitted the expectations of both language communities and their respective legal practitioners and litigants.

Secondly, the various translation and transfer directions were not of equal importance and knew different distributions throughout the century. The Flemish translations of French originals started in 1830 and were published quite consistently throughout the century, whereas the German translations of French originals were only executed until 1839. Interest in French translations of Flemish originals started in the 1860s, and editions of ancient customary Flemish legislation were issued until the 1890s. The transfer of French originals to the Belgian legal culture remained quite consistent throughout the century. Flemish jurists would also draw on ancient Flemish legal sources from Belgian independence until the 1870s, but the Flemish legal world would rely more and more on their Dutch neighbors from the end of the century onwards. In other words, Belgian legal translation and transfer flows knew a quite complex dynamics with shifting weights according to the respective languages, originals and translations. This dynamics was intimately interwoven with cultural and social evolutions in Flanders, the link between both being ground for further investigation.

Thirdly, variations can be identified in the volume of translations across the various categories, i.e. official, semi-official and private translations. While the first decade of Belgian independence saw virtually exclusively the publication of official translations, from the 1840s onwards there was a steady growth of semi-official publications, with a marked increase from the 1870s onwards, as linguistic legislation

granting more rights to Flemish was gradually implemented. Nevertheless, official translations of legislation remained consistently published throughout the century, with only a small decrease in the 1840s to 1890s, when a change in official publication mode slightly affected the volume and frequency of official translations.<sup>17</sup> Private translations were also published at a consistent rate throughout the century: Flemish periodicals (newspapers and cultural magazines), established in the 1840s, translated and discussed Parliamentary sessions and published summaries of important decisions of the Belgian administration. Again from the 1870s onwards, more Flemish periodicals saw the light of day, thus increasing the number of private translations accessible to the general Flemish public. This evolution was no doubt also a token of the growing awareness among legal practitioners of the necessity to view translations as carriers in their own right of legal content.

As a final point, it is important to note that translation and transfer techniques have both constituted central pillars of Belgian language and translation policies, if not equal in volume then certainly with respect to their contribution to the development of a Flemish legal language and culture. It is sheer illusion to define the exact proportions of translations and transfer techniques, as the latter are very difficult to calculate. Nonetheless, we can still posit that their role increased as the century advanced and even took over, for a large part, the role of translations proper. Through transfer, dissatisfaction with current translations was voiced in a more explicit way, since they brought together the issues of linguistic form and legal content and in this way

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<sup>17</sup> In 1845, the bilingual *Bulletin officiel* was replaced by the monolingual *Moniteur belge*.

Translations of laws and decrees were published in bilingual editions of the *Recueil des lois et arrêtés royaux*, which did not include all laws and were less frequently distributed.

facilitated if not accelerated the standardization of the Flemish legal language, as the many dictionaries and glossaries endeavored to create a frame of reference for Flemish jurists.

All in all, the evolution of translation and transfer directions was naturally related to the evolution of views on language and communication in the legal domain at large, as well as adjacent domains, notably politics, religion, education and literature. We need more research to describe the type of relation that was at stake: e.g. were translations simply following the major legal, political or other trends towards growing territorial and ethnic monolingualism, did they accelerate or on the contrary delay this trend? For instance, did translation or transfer hinder or rather facilitate the intense Frenchification of Belgian law during the 19<sup>th</sup> century? Was their role more or less prominent with regard to specific discursive settings, such as journals, political debates, in the daily life of notaries, of justices of the peace, in courts, etc.? At this point, these are still open questions that need further interdisciplinary initiatives, the more since they meet equally debated issues in legal history (Heirbaut & Storme 2006), in political and cultural history (Witte & Van Velthoven 1998) or in historical sociolinguistics (Willemyns 2002).



## References

- Apter, E. (2006). *The translation zone*. Princeton, NJ: Princeton University Press.
- Bellefroid P. (1897). *Dictionnaire français-néerlandais des termes de droit et supplément* [French-Dutch dictionary of legal terms and supplement]. Hasselt: Michel Ceysens.
- Bibliographie nationale. Dictionnaire des écrivains belges et catalogue de leurs publications 1830-1880* [National bibliography. Dictionary of Belgian writers and catalogue of their publications 1830-1880]. (1897). Brussels: Weissenbruch.
- Böhm, M. (2010). *Sprachenwechsel. Akkulturation und Mehrsprachigkeit der Brandenburger Hugenotten vom 17. bis 19. Jahrhundert* [Language change. Acculturation and multilingualism of the Brandenburger Huguenots from the 17th to the 19th century]. Berlin-New York: Walter de Gruyter.
- Busekist, A. von. (1998). *La Belgique: politique des langues et construction de l'Etat de 1780 à nos jours* [Belgium: language policy and state-building from 1780 to the present]. Paris: Duculot.
- Crang, M., & Thrift, N. (2010<sup>2</sup>). "Introduction". *Thinking space*. London & New York: Routledge, p. 1-30.
- Cronin, M. (2003). *Translation and globalization*. London and New York: Routledge.
- De Hondt, L. (1867). *Strafwetboek met de Vlaamsche vertaling. Code pénal avec la traduction flamande* [Criminal code with the Flemish translation]. Ghent: H. Hoste.
- De Hondt, L. (1874). *Wetboek van rechtspleging in strafzaken en de officieele Nederlandsche vertaling* [Code of criminal procedure and the official Dutch translation]. Brussels: Imprimerie du Moniteur belge.
- Deneckere, M. (1954). *Histoire de la langue française dans les Flandres (1770-1823)* [History of the French language in Flanders (1770-1823)]. Ghent: Romanica Gandensia.
- De Potter, F. (1893). *Vlaamsche bibliographie* [Flemish bibliography]. Ghent: A. Siffer.
- De Potter, F. (1897). *Le Néerlandais est-il une langue juridique?* [Is Dutch a legal language?] Ghent : A. Siffer.
- Derestia, F.-J. (1866). *Grondwettelijke rechten en plichten der Belgen. Handboek ten dienste der lagere scholen opgesteld* [Constitutional rights and obligations of the Belgians. Manual for the use of primary schools]. Brussels: Callewaert.
- De Vigne, J. O. (1871). *Kiezershandboek of uitleggingen op de Belgische kieswetten* [Electoral handbook or explanations of the Belgian electoral laws]. Ghent: Rogghé.
- D'hulst, L. (2012). (Re)locating translation history: from assumed translation to assumed transfer. *Translation Studies*, 5(2), 139-155. DOI: 10.1080/14781700.2012.663597.
- D'hulst, L., Bourguignon, M., Lemmens, K., Nouws, B., van Gerwen, H. & Meylaerts, R. (2016). Les politiques en matière de traduction en Belgique de 1830 à 1914 [Translation policies in Belgium from 1830 to 1914]. In Lane-Mercier G., Merkle, D. & Koustas, J., eds. (2016). *Plurilinguisme et pluriculturalisme. Des modèles officiels dans le monde* [Plurilingualism and pluriculturalism. Official models in the world]. Montréal: Presses de l'Université de Montréal, 2016, 13-27.
- Döring, J. & Thielmann, T., eds. (2008). *Spatial Turn. Das Raumparadigma in den Kultur- und Sozialwissenschaften* [The space paradigm in the cultural and social

- sciences]. Bielefeld: Transcript – Verlag für Kommunikation, Kultur und soziale Praxis.
- Eggen, J. (1909). *Repertorium der werken, verhandelingen en bijdragen betreffende het Belgische recht in het Nederlandsch verschenen (1830-1905)* [Repertoire of works, essays and contributions regarding Belgian law published in Dutch (1830-1905)]. Antwerp: Nederlandse Boekhandel.
- Fairclough, N. (2001). The dialectics of discourse. *Textus* 14(2), 3-10.
- Ganne, V. & Minon, M. (1992). Géographie de la traduction [Translation geography]. In Barret-Ducrocq F., ed. *Traduire l'Europe*. Paris: Payot, 55-95.
- Heilbron, J. (2000). Translation as a cultural world system. *Perspectives. Studies in Translation Theory and Practice*, 8(1), 9-26. DOI: 10.1080/0907676X.2000.9961369.
- Heirbaut, D. & Storme, M.E. (2006). The Belgian legal tradition: from a long quest for legal independence to a longing for dependence? *European Review of Private Law*, 14(5/6), 645-683.
- Italiano, F. (2016) *Translation and geography*. London: Routledge.
- Jackson, P. (1989). *Maps of meaning. An introduction to cultural geography*. London and New York: Routledge.
- Jakobson, R. (1959). On linguistic aspects of translation. In Brower R.A., ed. *On translation*. Cambridge, MA: Harvard University Press, 232-239.
- Johansson, S. (2007). *Seeing through multilingual corpora. On the use of corpora in contrastive studies*. Amsterdam-Philadelphia: John Benjamins.
- Kershaw, A., & Saldanha, G. (2013). Introduction: Global landscapes of translation. *Translation Studies* 6(1), 135-149. DOI: 10.1080/14781700.2013.777257.
- Landry, R., & Bourhis, R. (1997). Linguistic landscape and ethnolinguistic vitality: An empirical study. *Journal of Language and Social Psychology* 16(1), 23-49. DOI: 10.1177/0261927X970161002.
- Larcier, F., & Picard, E. (1882-1890). *Bibliographie générale et raisonnée du droit belge* [General and annotated bibliography of Belgian law]. Brussels: Larcier.
- Laviosa, S. (2002). *Corpus-based translation studies: theory, findings, applications*. Amsterdam: Rodopi.
- Ledeganck, K. (1841). *Het burgerlyk wetboek uit het Fransch vertaald* [The civil code translated from French]. Ghent: H. Hoste.
- Martyn, G. (2011). “L’influence du modèle français sur les barreaux belges (avant et après 1810)” [The influence of the French model on the Belgian bars (before and after 1810)]. In *Ordre des Avocats du barreau de Liège. Deux siècles de libertés* [Bar Council of the bar of Liège. Two centuries of liberties]. Liège: Ordre des Avocats du barreau de Liège, 11-25.
- Massey, D. (2005). *For space*. Los Angeles: Sage.
- Paye, C. (2013). “Der französischen Sprache mächtig”. *Kommunikation im Spannungsfeld von Sprachen und Kulturen im Königreich Westphalen 1807-1813* [“Mastering the French language”. Communication in the area of tension of languages and cultures in the Kingdom of Westphalia 1807-1813]. München: Oldenbourg.
- Pokorn, N. (2011). “Directionality”. Gambier, Y., & van Doorslaer, L. eds. *Handbook of Translation Studies* 2, p. 37-39.
- Prayon-Van Zuylen, A. (1892). *De Belgische taalwetten, toegelicht* [The Belgian language laws, explained]. Ghent: Siffer.

- Sapiro, G. (2010). Globalization and cultural diversity in the book market: The case of literary translations in the US and in France. *Poetics* 38(4), 419-439. DOI: 10.1016/j.poetic.2010.05.001.
- Sapiro, G. (2016). How do literary works cross borders (or not)? A sociological approach to world literature. *Journal of World Literature* 1(1), 81-96. DOI: 10.1163/24056480-00101009.
- Simon, S. (2018) "Translation spaces". Gambier Y., & D'hulst, L., eds. *History of translation knowledge: Sources, Concepts, Effects*. Amsterdam-Philadelphia: J. Benjamins, 2018, in print.
- Van Arenbergh, E. (1890-1913). *Bibliographie générale et raisonnée du droit belge* [General and annotated bibliography of Belgian law]. Brussels: Larcier.
- Vandenbussche, W., Vanhecke, E., Willemyns, R., & De Groof, J. (2006). Language policy and language practice in official administrations in 19<sup>th</sup> century Flanders. In Miyares Bermúdez E., & Ruiz Miyares, L., eds. *Linguistics in the Twenty First Century*. Newcastle: Cambridge Scholars Press, 3-12.
- Van Dievoet, E. (1943). *Het burgerlijk recht in België en Nederland van 1800 tot 1940. De rechtsbronnen* [Civil law in Belgium and the Netherlands from 1800 to 1940. The sources of law]. Antwerp: De Sikkel.
- van Gerwen, H. (2017). "In Vlaanderen Vlaamsch!" Translation practices in Flemish legal journals: The case of *Rechtskundig Tijdschrift voor Vlaamsch-België* (1897-98). *Journal of European Periodical Studies*, 2(1), 3-20. DOI: 10.21825/jeps.v2i1.2351.
- van Gerwen, H., Bourguignon, M., & Nouws, B. (2017). Translating the law in 19th-century Belgium. Criticisms of official translations of laws and decrees. *Tilburg Law Review* 22(1-2), 99-137. DOI: 10.1163/22112596-02201006.
- Velle, K. (1994). *Recht en gerecht : bibliografische inleiding tot het institutioneel onderzoek van de rechterlijke macht (1796-1994)* [Law and court: bibliographical introduction to the institutional study of the judiciary (1796-1994)]. Brussels: Algemeen rijksarchief.
- Warf, B. & Arias, S., eds. (2008). *The spatial turn: interdisciplinary perspectives*. London: Routledge.
- Willemyns, R. (2002). "Liever Hollandsch dan Fransch": taalcontact en taalconflict in het negentiende-eeuwse Vlaanderen ["Rather Dutch than French": language contact and language conflict in 19th-century Flanders], *Verslagen en mededelingen van de Koninklijke Academie voor Nederlandse taal- en letterkunde*, 3, 381-425.
- Witte, E. & Van Velthoven, H. (1998). *Taal en politiek. De Belgische casus in een historisch perspectief* [Language and politics. The Belgian case from a historical perspective], Brussels: VUBPress.
- Zanettin, F., Saldanha, G. & Harding, S.-A. (2015). Sketching landscapes in translation studies: A bibliographic study. *Perspectives. Studies in Translation Theory and Practice* 23(2), 161-182. DOI: 10.1080/0907676X.2015.1010551.